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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,245	04/09/2001	Hui Li	PD000020	7596

7590 09/13/2007
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EXAMINER

ALBERTALLI, BRIAN LOUIS

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/829,245	LI ET AL.	
	Examiner	Art Unit	
	Brian L. Albertalli	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 June 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-8 and 12 is/are allowed.
- 6) Claim(s) 9, 10 and 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn. See Allowable Subject Matter section, below.

Applicant's arguments with respect to claims 9, 10, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al. (U.S. Patent 6,317,795), in view of Ishizuka (U.S. Patent 6,341,108).

In regard to claim 9, Malkin et al. disclose a receiver or video device providing audio or subtitle translation data on demand to at least one of a receiver and a video device (Fig. 1, client 125, column 5, line 29-30), the method including the following steps:

said at least one of receiver and video device (set top box 125) receiving broadcast video data for a specific program or movie together with at least one of original audio data and subtitle data related to a given language (video data meeting a

client's content request are received by the client with audio or captions in a language, column 6, lines 43-46, column 7, lines 1-8, and column 18, lines 54-59), which video data include:

first identification information data identifying said specific program or movie (a client request for content is determined by checking the content labels at the content server, column 6, lines 34-50 and column 8, lines 31-35);

detecting a user-performed selection of a preferred language that is different from said given language (Fig. 2, a client's content specification 238 forms a PICS profile that includes a language specification, column 6, lines 43-46, column 8, lines 53-59, and column 18, lines 54-59);

providing second information corresponding to said language (the content specification 238 provided by the client includes language selection, column 6, lines 43-46);

transmitting automatically third identification information data (mask showing request) derived automatically from said first and second identification information data to a server for requesting , based on said third identification information data from said at least one of receiver and video device, a desired at least one of audio translation data set and subtitle translation data set corresponding to said video data and corresponding to said preferred language (once the content specification 248 is determined to be possible to satisfy, a mask showing request is sent to mask provider 205 to retrieve control specifications 237 that can satisfy the viewer's content specification of language, column 6, line 58 to column 7, line 4 and column 18, lines 54-59);

receiving in said at least one of receiver and video device, said selected at least one of audio and subtitle translation data set corresponding to said third identification information data (an appropriate content version, or modification thereof, of content corresponding to the viewer's content specification 238 transmitted to the client, column 7, lines 1-4);

reproducing automatically data of said received audio or subtitle translation data set together with said video data that was originally received in said at least one receiver and video device in a temporally synchronized manner, instead of reproducing said original audio data related to a given language with said video data, wherein said reproduced at least one of audio translation data and subtitle translation data represents, corresponding to said preferred language, a language translation of said at least one of original language audio and subtitle data (Fig. 10, translated audio or captions provided in a control specification 237 by mask provider 205 are combined and synchronously displayed at step 1060, column 17, lines 14-31 and column 18, lines 54-59).

Malkin et al. do not disclose means for user performed selection of a second preferred language that is different from said given language and said preferred language.

Ishizuka discloses a device that includes means for user performed selection of a second preferred language that is different from said given language and said preferred language (a user sets a priority list of languages to be displayed, see abstract; a second priority language is chosen, column 50-62).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to include means for selecting a second preferred language, provide said second preferred language as identification information, and to reproduce said second language, because this decreases the burden on the user by providing one of the languages desired by the user without additional input, as suggested by Ishizuka (column 7, lines 1-6).

In regard to claim 10, Malkin et al. disclose displaying a language menu and detecting the user-performed selection of the preferred language from the menu (Fig. 3a and 3b, user interface for storing a content specification 248 including a language selection, column 8, line 64-66 and column 18, lines 54-59).

Malkin et al. do not disclose a menu for selection of a second preferred language.

Ishizuka discloses a device that includes means for user performed selection of a second preferred language through a language menu (see Figs. 4A and 4B). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to allow a user to select a second preferred language, because this decreases the burden on the user by providing one of the languages desired by the user without additional input, as suggested by Ishizuka (column 7, lines 1-6).

In regard to claim 13, Malkin et al. disclose said third identification information data are transmitted via an Internet connection to said server, and wherein said at least

one of audio and subtitle translation data set corresponding to said third identification information data are received via said Internet connection (the network over which communications are sent is the Internet, column 5, lines 35-38).

Allowable Subject Matter

3. Claims 1-8 and 12 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claim 1 requires reproducing either a user's first language or second language preference, wherein if neither the first or second language preference is available, the original audio or subtitle data is reproduced. Malkin et al. do not disclose a second language preference. While Ishizuka discloses selecting a plurality of language preferences, if one of said language preferences is not available, a simple error message is displayed (see Fig. 7, step 216). Thus there is no teaching or suggestion in Malkin et al. or Ishizuka to provide the original language audio or subtitle data when neither a first or second language preference is available.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 9/6/07



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